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Company: United States Patent and Trademark Office

City and State: Alexandria, VA

Facsimile Number: 703-872-9306

From: Ann Marie Cannoni, Esquire

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CV01489K US

Client No.: 4686

File No.: 045531

Message:

Fee Transmittal 1p. (2x)
Notice of Appeal (2pp)(2x)

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)

FEE TRANSMITTAL
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**Complete if Known**

Application Number	10/057,323
Filing Date	January 25, 2002
First Named Inventor	Harry R. Davis
Examiner Name	San Ming R. Hui
Art Unit	1617
Attorney Docket No.	CV01489K US/4686-045531

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify):☒ Deposit Account Deposit Account Number: 23-0650 Deposit Account Name Webb Ziesenheim Logsdon Orkin & Hanson, P.C.

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayments of fee(s) Under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP =	x	=		Fee (\$) Fee Paid (\$)
HP = highest number of total claims paid for, if greater than 20				

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number)	x	=


4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Notice of Appeal**Fee Paid (\$)**

500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	35,972	Telephone	412-471-8815
Name (Print/Type)	Ann Marie Cannoni	Date	December 17, 2004		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PTO/SB/17 (12-04)

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)**FEE TRANSMITTAL**
For FY 2005

Complete if Known

☐ Applicant claims small entity status. See 37 CFR 1.27

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First Named Inventor	Harry R. Davis
Examiner Name	San Ming R. Hui
Art Unit	1617
Attorney Docket No.	CV01489K US/4686-045531

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Under 37 CFR 1.16 and 1.17☒ Credit any overpayments

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- 20 or HP = _____ x _____ = _____		
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- 100 = _____ / 50 = _____ (round up to a whole number) x _____				

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Non-English Specification, \$130 fee (no small entity discount)

Other: Notice of Appeal

Fee Paid (\$)

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SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	35,972	Telephone	412-471-8815
Name (Print/Type)	Ann Marie Cannoni	Date	December 17, 2004		

This collection of information is required by 37 CFR 1.126. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0100 (1-800-778-6100).

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	Fee (\$)	Small Entity	Fee (\$)	Small Entity	Fee (\$)	Small Entity	
		Fee (\$)		Fee (\$)		Fee (\$)	
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Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

<u>Fee Description</u>		<u>Small Entity</u>	
		<u>Fee (\$)</u>	<u>Fee (\$)</u>
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Multiple dependent claims		360	180
<u>Total Claims</u>	<u>Extra Claims</u>		

Total Claims - 20 or HP = Extra Claims x Fee (\$) = Fee Paid (\$) Multiple Dependent Claims

HP = highest number of total claims paid for, if greater than 20 Fee (\$) Fee Paid (\$)

Indep. Claims - 3 or HP = Extra Claims x Fee (\$) = Fee Paid (\$)
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Total Sheets - 100 = Extra Sheets / 50 = Number of each additional 50 or fraction thereof (round up to a whole number) Fee (\$) Fee Paid (\$)

4. OTHER FEE(S)

Non-English Specification, Other: <u>Notice of Appeal</u>	\$130 fee (no small entity discount)	<u>Fee Paid (\$)</u>
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500.00

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Signature		Registration No. (Attorney/Agent)	35,972	Telephone	412-471-8815
Name (Print/Type)	Ann Marie Cannoni			Date	December 17, 2004

This collection of information is required by 37 CFR 1.116. The information is not to be used for any other purpose.

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Response Under 37 C.F.R. § 1.116
Expedited Procedure
Group Art Unit 1617

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Application No. 10/057,323
Paper Dated: December 17, 2004
Attorney Docket No. CV01489K US/4686-045531

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/057,323
Inventors : Harry R. DAVIS, et al.
Filed : January 25, 2002
Title : COMBINATIONS OF PEROXISOME
PROLIFERATOR-ACTIVATED
RECEPTOR (PPAR) ACTIVATOR(S) AND
STEROL ABSORPTION INHIBITOR(S) AND
TREATMENTS FOR VASCULAR INDICATIONS
Group Art Unit : 1617
Examiner : San Ming R. Hui
Customer No. : 28289

FACSMILE NO. 703-872-9306
Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated September 20, 2004 of the Primary Examiner finally rejecting claims 1-4, 11-13, 21, 28, 32, 34, 37-40, 42-43, 47-48, 83-84, 86 and 100-101.

I hereby certify that this correspondence is being sent via facsimile to:
Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

12/17/2004
Date

Signature

Chris Reichert

Typed Name of Person Signing Certificate

**Response Under 37 C.F.R. § 1.116
Expedited Procedure
Group Art Unit 1617**

Application No. 10/057,323

Paper Dated: December 17, 2004


Attorney Docket No. CV01489K US/4686-045531

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Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By


Ann Marie Cannoni
Attorney for Applicant
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